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and Plaintiff New York Marine and  
General Insurance Company

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Travelers Commercial Insurance  
Company, a Connecticut Corporation,

Plaintiff,

v.

New York Marine and General  
Insurance Company, a Delaware  
Corporation,

Defendant.

New York Marine and General  
Insurance Company, a Delaware  
corporation

Counter-Claimant

v.

Travelers Commercial Insurance  
Company, a Connecticut corporation,

Counter-Defendant

Case No. 2:22-CV-04685-GW (PDx)

Consolidated for Pre-Trial Purposes  
with 2:21-cv-5832-GW (PDx)

**JOINT SCHEDULING REPORT**

Hon. George H. Wu

1 Pursuant to the Court's December 1, 2022 Order following Joint Scheduling  
2 Conference, Plaintiff and Counterdefendant Travelers Commercial Insurance  
3 Company ("Travelers"), Defendant, Counterclaimant, and Plaintiff New York Marine  
4 and General Insurance Company's ("NY Marine"), and Defendant Amber Heard have  
5 met and conferred with regard to scheduling for this matter and by and through their  
6 undersigned counsel, and hereby submit this Joint Scheduling Report.

7 **A. Background**

8 At the December 1, 2022 Joint Scheduling Conference and in its December 1,  
9 2022 Order, the Court granted leave to file any motion challenging the jurisdiction  
10 of the Court by January 5, 2023, with any motion for judgment on the pleadings and/or  
11 stay by January 13, 2022. Also at the hearing, NY Marine indicated that it intended  
12 to file a motion to dismiss the counterclaim filed by Heard in consolidated case no.  
13 2:22-CV-04685-GW (PDx).

14 On January 5, 2022, the parties met and conferred to discuss potential motions  
15 and issues, including any issues concerning the jurisdiction of this Court, NY  
16 Marine's proposed motion to dismiss Heard's counterclaim against NY Marine;  
17 Heard's intended motion for judgment on the pleadings; and a potential stipulation  
18 between Travelers and NY Marine for NY Marine to file an amended pleading in this  
19 action. Heard and NY Marine agreed to an extension of time to respond.

20 On December 13, 2022, this Court granted Heard's and NY Marine's  
21 Stipulation Extending Time for NY Marine to Respond to Heard's Counterclaim.

22 On or about December 16, 2022, Heard resolved the underlying litigation out  
23 of which these matters arise (the "Underlying Action"). Thereafter, following  
24 additional meet and confer efforts between Heard and NY Marine and in light of the  
25 resolution of the Underlying Action, Heard advised NY Marine that she would be  
26 amending her Counterclaim to reflect the resolution of the Underlying Action and to  
27 address certain issues raised by NY Marine during the parties meet and confer efforts.

28 Heard's Amended Counterclaim was filed on January 13, 2023. As a result, NY

1 Marine's Response to Heard's Amended Counterclaim is due no later than February  
2 3, 2023.

3 Also on January 13, 2023, NY Marine filed its Stipulation for Leave to File An  
4 Amended Answer to Travelers' First Amended Complaint and Amended  
5 Counterclaim, along with a proposed Order. On January 18, 2023, the Court granted  
6 NY Marine leave to file its Amended Answer to Travelers' First Amended Complaint  
7 and Amended Counterclaim. Travelers' Response to NY Marine's Amended Answer  
8 to Travelers' First Amended Complaint and Amended Counterclaim, if permitted by  
9 this Court, will be due twenty days after filing of the Amended Answer and Amended  
10 Counterclaim.

11 **B. Parties' Position On Scheduling**

12 In light of the foregoing, the parties agree that responses to the amended  
13 pleadings in both the '5832 and '0468 actions will not be filed before early or mid-  
14 February 2023. Further, NY Marine also anticipates—though its position is not yet  
15 final—that it will likely respond to Heard's Amended Counterclaim with a motion to  
16 dismiss. Heard likewise anticipates that to the extent NY Marine's Motion to Dismiss  
17 her Counterclaim is not successful, that she may file a motion for Judgment on the  
18 Pleadings following the close of the pleadings in the '0468 action.

19 Nevertheless, in light of the foregoing and given the resolution of the  
20 Underlying Action, the parties are now in agreement that there is no basis for a further  
21 stay of this litigation. Accordingly, the parties respectfully request that the Court lift  
22 the present stay of discovery and enter an appropriate scheduling order.

23 **C. Proposed Agreed Modified Pre-Trial Dates**

24 If the Court determines that it is appropriate to lift the stay presently entered in  
25 these actions and to enter a scheduling order, the parties propose the following pretrial  
26 timeline:

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Date	Event
10/31/2023	Deadline to hold private mediation
11/10/2023	Deadline to notify court of result of mediation in joint report regarding settlement
11/14/2023	Post-Mediation Status Conference
11/22/2023	Non-Expert Discovery Cut-Off
12/22/2023	Expert Disclosure (Initial)
1/29/2024	Expert Disclosure (Rebuttal)
2/16/2024	Expert Discovery Cut-Off
3/8/2024	Last day to file all motions (including discovery motions)
4/14/2024	Pre-Trial Conference

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1 Dated: January 18, 2023

CATES PETERSON, LLP

2  
3 By: /s/ Mark D. Peterson

4 Mark D. Peterson

Attorneys for Plaintiff and Counterdefendant

5 Travelers Commercial Insurance Company

6 Dated: January 13, 2023

McCORMICK, BARSTOW, SHEPPARD,  
7 WAYTE & CARRUTH LLP

8 By: /s/ James P. Wagoner

9 James P. Wagoner

10 Lejf E. Knutson

11 Nicholas H. Rasmussen

Graham A. Van Leuven

12 Attorneys for Defendant, Counterclaimant, and  
13 Plaintiff New York Marine and General  
Insurance Company

14 DATED: January 18, 2023

PASICH LLP

15  
16 By: /s/ Kayla Robinson

17 Kirk Pasich

Kayla Robinson

18 Attorneys for Defendant Amber Heard

19 8859160.1

**PROOF OF SERVICE**

**New York Marine and General Insurance Company v. Amber Heard**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On January 18, 2023, I served true copies of the following document(s) described as **JOINT SCHEDULING REPORT** on the interested parties in this action as follows:

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*Attorneys for Plaintiff Travelers  
Commercial Insurance Company*

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 18, 2023, at Fresno, California.

/s/ Marisela Taylor  
Marisela Taylor